

IN THE TWENTY-FIRST JUDICIAL CIRCUIT
STATE OF MISSOURI

NAKISHA FORD,

Plaintiff,

v.

PINE LAWN FOOD MARKET, INC.,
 MAZEN “MARIO” SAMAD, AKRAM
 “SAM” SAMAD, SYLVESTER
 CALDWELL, STEVEN BLAKENEY, &
 THE CITY OF PINE LAWN, MISSOURI,

Defendants.

Cause No:

Division No.

JURY TRIAL DEMANDED

PETITION FOR DAMAGES

Parties

- 1) At all pertinent times herein, plaintiff Nakisha Ford was a resident and citizen of Pine Lawn, Missouri;
- 2) At all pertinent times herein, defendant Pine Lawn Food Market, Inc. (“PLFM”), was a for-profit corporation operating in the City of Pine Lawn, Missouri. PLFM is liable under the doctrine of *respondeat superior* because all acts and/or omission of either Samad brother were taken or foregone as owners or agents in furtherance of PLFM’s interests;
- 3) At all pertinent times herein, defendant Mazen “Mario” Samad owned and operated PLFM. He is sued in both his individual and official capacity;
- 4) At all pertinent times herein, defendant Akram “Sam” Samad managed PLFM. He is sued in both his individual and official capacity;

- 5) At all pertinent times herein, defendant Sylvester Caldwell was the Mayor and *de facto* police chief of the City of Pine Lawn. He was the final policy-maker for the city's law enforcement officers who reported directly to him—not the Board of Aldermen. He is sued in his official and individual capacities for all acts or omissions taken under color of law;
- 6) At all pertinent times herein, defendant Steven Blakeney was the highest-ranking uniformed police officer in Pine Lawn and exercised command and control over all other uniformed officers in Pine Lawn. He is sued in his official and official capacities for all acts and/or omissions taken under color of law;
- 7) At all pertinent times herein, the City of Pine Lawn was a Fourth-Class city of Missouri, and effected all pertinent and longstanding customs and practices of using the police powers to silence or destabilize opposition or criticism of Mayor Caldwell. The City knew or should have known of such corruption prior to March 31, 2013, because similar complaints had been previously filed with the City and in court filings;

Common Factual Allegations

- 8) Sylvester Caldwell, the incumbent mayor of the City of Pine Lawn, was seeking re-election in April, 2013;
- 9) At some point prior to election day, former Lt. Steven Blakeney of the City of Pine Lawn Police, “asked” Mario to allow him to display a Caldwell campaign sign in PLFM window;
- 10) Despite Mario's refusal, Blakeney placed the sign in the store's window;
- 11) On March 31, 2013, Nakisha Ford entered the Pine Lawn Market and saw the Caldwell sign, which depicted her mugshot from a previous arrest. Nakisha Ford asked Mario to take the sign down. Mario told her that he would not remove the sign himself but that she could do what she wanted with it;

- 12) Mario knew that Nakisha Ford was a candidate for Mayor at that time;
- 13) Nakisha Ford removed the sign and left;
- 14) Mario did not object to Nakisha Ford's removing the sign, and he did not call the police;
- 15) Later that day, Blakeney and several other police officers came to PLFM and discovered the missing sign. Blakeney demanded to see the security camera footage and called Sam to the store;
- 16) Blakeney then instructed Sam to call 911 to report the theft of the sign and threatened to frame him for drug possession if he did not comply;
- 17) After Sam called 911, the Prosecutor and other police officers came to the store and reviewed the security camera footage;
- 18) The Samad brothers then accompanied Blakeney to the police station, where he instructed them to give statements using language he provided. Sam's son, Mohammed, prepared the statements according to Blakeney's instructions because the Samad brothers do not write English proficiently;
- 19) At one point, Blakeney stopped Sam's police interview to instruct Sam to change his story;
- 20) Blakeney also directed Sam to step out of the room, at which point Mayor Caldwell advised Sam, "Oh, we['ll] take care of you. Don't worry about it.";
- 21) The mayor also told Sam to say that he obtained the sign from city hall himself;
- 22) Blakeney and Mayor Caldwell also instructed the Samad brothers that they would have to testify against Nakisha Ford in court. Both received subpoenas but never testified;
- 23) The Samad brothers signed the statements, which stated that Sam obtained the sign from city hall and that Nakisha Ford created a disturbance and stole the sign;
- 24) After the statements were complete, Officer Jesse Brock completed Pine Lawn Police

Department Incident Report No. 13-1337 based on information Blakeney provided;

25) Blakeney approved the report, and Brock also filled out a form to obtain a “wanted” for Nakisha Ford;

26) Blakeney, three other police officers, the chief of police, and prosecuting attorney then proceeded to Nakisha Ford’s house to arrest her;

27) Brock testified that he did not recall anyone suggesting that they issue Nakisha Ford a summons instead of making the arrest;

28) Nakisha Ford was taken into custody, booked, and transported to a jail in St. Ann, Missouri.

An hour later, Nakisha Ford was returned to the Pine Lawn Police Department, posted a \$750 bond, and was released early in the morning;

29) Nakisha Ford was charged with stealing and disorderly conduct, but the charges ultimately were reduced to a single littering charge. The facts of the conspiracy against Nakisha Ford unknown to her and her attorney, Nakisha Ford initially pleaded guilty and paid a \$500 fine in 2017;

30) Blakeney violated his duties as the highest-ranking uniformed law enforcement officer in Pine Lawn by failing to intervene to stop the illegal arrest and prosecution of Nakisha Ford;

31) Caldwell violated his duties as the *de facto* police chief and policy-maker for the City of Pine Lawn by failing to intervene to stop the illegal arrest and prosecution of Nakisha Ford;

32) After these events came to light, Blakeney was charged in a three-count indictment with conspiracy against rights, deprivation of rights under color of law, and falsifying a record;

33) At Blakeney’s trial (*United States of America v. Steven Blakeney*), the Samad brothers testified that the statements against Nakisha Ford were untrue;

34) Blakeney did not testify at his trial;

- 35) The jury asked to read the testimony of Sam, Mario, and Mohammad Samad;
- 36) On January 28, 2016, Blakeney was convicted following a jury trial of one count of conspiracy against rights of Nakisha Ford, in violation of 18 U.S.C. § 241; one count of deprivation of Nakisha Ford's rights under color of law, in violation of 18 U.S.C. § 242; and one count of falsifying a record against Nakisha Ford, in violation of 18 U.S.C. § 1519;
- 37) United States District Court Judge Stephen L. Limbaugh sentenced Blakeney to 4 years in prison;
- 38) The Eighth Circuit Court of Appeals, No. 16-3945) affirmed each conviction on December 11, 2017;
- 39) On March 16, 2018, the Court permitted Nakisha Ford to withdraw her guilty plea to "littering";
- 40) But-for the Samads' positive, unequivocal and unqualified affidavits against Nakisha Ford, she would not have suffered emotional and physical injury including but not limited to physical arrest, embarrassment, humiliation, physical illness, immediate and frequent bouts of vomiting and heaving, random bouts of sweating, sleeplessness, loss of appetite, loss of sexual interest, inability to focus or concentrate, general confusion, alternating bouts of diarrhea and/or constipation, dizziness, depression, disinterest, performance issues, professional isolation, and general mistrust of police and/or abusive police tactics and corruption;
- 41) The conspiracies were carried out with callous disregard for the civil rights of Nakisha Ford. Accordingly, Defendants' acts and/or omissions warrant exemplary damages in order to deter defendants and others similarly situated from such acts of indecency and misconduct in the future;

42) Liability herein is joint and several as to each co-conspirator;

43) Nakisha Ford has incurred and shall continue to incur reasonably foreseeable attorney's fees to prosecute this civil action;

Count I
Conspiracy to Commit Negligent False Imprisonment

44) Each Samad brother agreed with Mayor Caldwell and Lt. Blakeney to submit false information to police about Nakisha Ford;

45) Neither reporting Officer Brock nor the prosecuting attorney knew of the falsity of the information the Samad brothers gave for Brock's police report;

46) Neither reporting Officer Brock nor the prosecuting attorney knew of the falsity of the information in the report was from Blakeney, the supervisor who approved the same report;

47) The prosecuting did not know of the falsity of the information the Samad brothers gave for Brock's police report when he relied upon it in his charging decision;

48) The Samad brothers had a duty to avoid negligently or recklessly giving police officers and/or prosecuting attorneys false, incomplete or misleading information;

49) In furtherance of the conspiracy, the Samad brothers breached that duty when they swore out positive, unequivocal, and unqualified affidavits against Nakisha Ford;

50) But for the Samad brothers affidavits, neither the police nor prosecutor could've proceeded to charge Nakisha Ford with stealing because only the Samad brothers could've answered the question of "consent";

51) It was foreseeable at the time the Samad brothers swore out the affidavit against Nakisha Ford that she would be arrested, handcuffed, booked, charged, perp walked before news cameras, embarrassed, humiliated, and likely lose the election of Mayor of the City of Pine Lawn only days later;

52) The Samad brothers encouraged, promoted and/or instigated Nakisha Ford's arrest and prosecution;

53) The Samad brothers' affidavits were the proximate cause of injury to Nakisha Ford. But-for the Samads' affidavits, the City of Pine Lawn could not have proceeded to prosecute Nakisha Ford for stealing;

For the foregoing reasons, Nakisha Ford respectfully requests judgment in her favor and against PLFM; each of the Samad brothers; Caldwell, and Blakeney for Conspiracy to Commit Negligent False Imprisonment, compensatory damages in excess of \$25,000; exemplary damages; and for whatever other relief this Court deems necessary and appropriate under the circumstances;

Count II
Conspiracy to Commit Negligent Misrepresentation

Nakisha Ford incorporates each of the foregoing allegations as though fully restated herein in support of her claim for Conspiracy to Commit Negligent Misrepresentation:

54) Each Samad brother agreed with Mayor Caldwell and Lt. Blakeney to submit false information to police about Nakisha Ford because of their "pecuniary interest" in not being arrested for possession of a controlled substance and or their concern about continuing to operate their business for financial gain in the City of Pine Lawn, Missouri;

55) Because of the Samad brother's elevation of their own selfish interests over those of the innocent Nakisha Ford, the information supplied to Officer Brock was false;

56) The false information given to Officer Brock was done intentionally;

57) Nakisha Ford's attorney relied upon such information/affidavits when negotiating the plea deal with the Prosecutor in 2013;

58) Nakisha Ford's attorney justifiably relied upon the police report and affidavits and video

because nothing at that time hinted of the criminal conspiracy between Mayor Caldwell, Lt. Blakeney, and the Samad brothers as the motivation to lie under oath and threat of perjury;

59) Nakisha Ford suffered a pecuniary loss in the form of lost wages, election-related expenses, campaign expenses, legal fees, bond monies, and the like;

For the foregoing reasons, Nakisha Ford respectfully requests judgment in her favor and against PLFM; each of the Samad brothers; Caldwell, and Blakeney for Conspiracy to Commit Negligent Misrepresentation, compensatory damages; exemplary damages; and for whatever other relief this Court deems necessary and appropriate under the circumstances;

Count III
Conspiracy to Commit Abuse of Process

Nakisha Ford incorporates each of the foregoing allegations as though fully restated herein in support of her claim for Conspiracy to Commit Abuse of Process:

60) Each Samad brother agreed with Mayor Caldwell and Lt. Blakeney to submit false information to police about Nakisha Ford because of they put their selfish ends to avoid harassment or corruption directed toward them by Mayor Caldwell and/or Lt. Blakeney;

61) Submission of the Samad affidavits to Officer Brock under those circumstances constituted an unjustifiable end, improper or perverted purpose;

62) Nakisha Ford suffered injury due to the illegal use of the affidavits under the circumstances;

For the foregoing reasons, Nakisha Ford respectfully requests judgment in her favor and against PLFM; each of the Samad brothers; Caldwell, and Blakeney for Conspiracy to Commit Abuse of Process, compensatory damages in excess of \$25,000; exemplary damages; and for whatever other relief this Court deems necessary and appropriate under the circumstances;

Count IV
Conspiracy to Commit Malicious Prosecution in Violation of 4th & 14th Amendments

Nakisha Ford incorporates each of the foregoing allegations as though fully restated herein in support of her claim for Conspiracy to Commit Malicious Prosecution:

63) Mayor Caldwell and Lt. Blakeney concocted a notion to harm Nakisha Ford's campaign in her race against Mayor Caldwell in April, 2013;

64) In furtherance of that conspiracy, Caldwell and Blakeney recruited the Samad brothers to submit false affidavits against Nakisha Ford for the purpose of causing her arrest, prosecution and loss in the mayoral race;

65) The Samad brothers agreed to participate in the conspiracy;

66) Caldwell, Blakeney, and each Samad brother knew there was no truth to the allegations submitted in the Samad affidavits or the corresponding police report approved by Blakeney;

67) Each caused the negligent or reckless arrest and prosecution of Nakisha Ford in March, 2013, in violation of her civil rights against unreasonable seizure and substantive due process under the 4th and 14th Amendments to the US Constitution;

68) Nakisha Ford suffered harm and injury as a result of defendants' acts and/or omissions;

For the foregoing reasons, Nakisha Ford respectfully requests judgment in her favor and against PLFM; each of the Samad brothers; Caldwell, Blakeney, and the City of Pine Lawn for Conspiracy to Commit Malicious Prosecution; compensatory damages (except for Pine Lawn); exemplary damages; attorney's fees pursuant to Section 1988(b) and costs; and for whatever other relief this Court deems necessary and appropriate under the circumstances;

Count V
Conspiracy to Commit False Arrest in Violation of the 4th & 14th Amendments

Nakisha Ford incorporates each of the foregoing allegations as though fully restated herein in support of her claim for Conspiracy to Commit False Arrest:

69) Mayor Caldwell and Lt. Blakeney concocted a notion to harm Nakisha Ford's campaign in her race against Mayor Caldwell in April, 2013;

70) In furtherance of that conspiracy, Caldwell and Blakeney recruited the Samad brothers to submit false affidavits against Nakisha Ford for the purpose of causing her arrest, prosecution and loss in the mayoral race;

71) The Samad brothers agreed to participate in the conspiracy;

72) Caldwell, Blakeney, and each Samad brother knew there was no truth to the allegations submitted in the Samad affidavits or the corresponding police report approved by Blakeney;

73) There was no arguable probable cause for the arrest and prosecution of Nakisha Ford;

74) Each caused the negligent or reckless arrest and prosecution of Nakisha Ford in March, 2013, in violation of her civil rights against unreasonable seizure under the 4th and 14th Amendments to the US Constitution;

75) Nakisha Ford suffered harm and injury as a result of defendants' acts and/or omissions;

For the foregoing reasons, Nakisha Ford respectfully requests judgment in her favor and against PLFM; each of the Samad brothers; Caldwell, Blakeney, and the City of Pine Lawn for Conspiracy to Commit False Arrest; compensatory damages; exemplary damages (except for Pine Lawn); attorney's fees pursuant to Section 1988(b) and costs; and for whatever other relief this Court deems necessary and appropriate under the circumstances;

Count VI
Conspiracy to Commit First Amendment Retaliation

Nakisha Ford incorporates each of the foregoing allegations as though fully restated herein in support of her claim for Conspiracy to Commit First Amendment Retaliation:

- 76) Nakisha Ford engaged in political speech and other expressive activity as a candidate for Mayor of the City of Pine Lawn in 2013;
- 77) Nakisha Ford's speech and expressive activities were protected at all times by the First Amendment;
- 78) Mayor Caldwell and Lt. Blakeney concocted a notion to harm Nakisha Ford's campaign in her race against Mayor Caldwell in April, 2013 both because she challenged him for office and as an act of retaliatory animus for her corresponding speech and expressive conduct;
- 79) In furtherance of that conspiracy, Caldwell and Blakeney recruited the Samad brothers to submit false affidavits against Nakisha Ford for the purpose of causing her arrest, prosecution and loss in the mayoral race;
- 80) The Samad brothers agreed to participate in the conspiracy;
- 81) Caldwell, Blakeney, and each Samad brother knew there was no truth to the allegations submitted in the Samad affidavits or the corresponding police report approved by Blakeney;
- 82) Each caused the negligent or reckless arrest and prosecution of Nakisha Ford in March, 2013, which served no lawful purpose;
- 83) Nakisha Ford suffered harm and injury as a result of defendants' acts and/or omissions including but not limited to the loss of mayoral race in 2013;

For the foregoing reasons, Nakisha Ford respectfully requests judgment in her favor and

against PLFM; each of the Samad brothers; Caldwell, Blakeney, and the City of Pine Lawn for Conspiracy to Commit First Amendment Retaliation; compensatory damages; exemplary damages (except for Pine Lawn); attorney's fees pursuant to Section 1988(b) and costs; and for whatever other relief this Court deems necessary and appropriate under the circumstances;

Respectfully submitted,

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